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SUGHRUE MION, PLLC			MENBERU, BENIYAM	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/633,718	TERAUE, EIJI
	<b>Examiner</b>	<b>Art Unit</b>
	Beniyam Menberu	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 September 2007.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

1. Applicant's arguments filed September 17, 2007 have been fully considered but they are not persuasive.

Applicant argued on page 19, of the Remarks that U.S. Patent No. 7068391 to Dewitte et al does not disclose that a process color print image and a spot color print image are superposed upon each other. However Examiner disagrees as evident in column 9, lines 63-67 wherein the output proof has process color CMYK plus spot colors green and orange. Thus the output is superposition of six colors including the spot colors and CMYK.

Applicant argued on page 19, that U.S. Patent No. 6304345 to Patton et al does not disclose that the informational data describes a reproduction property of a spot color in the reproduction system. However Examiner disagrees because Patton et al '345 discloses that information data contains "colorimetric value" (column 5, lines 21-25). Further Patton et al '345 discloses in column 6, lines 15-33 that the colorimetric data is used to reproduce the original image which means that the colorimetric data in information data describes the reproduction property of a color. Further in column 6, 36-41, Patton et al '345 discloses that the color can be of any color which covers spot colors.

Further Applicant argued on page 20, Patton et al '345 does not disclose of generating a proof image and additional image data as output. However Examiner disagrees because Patton et al '345 discloses using the information data on original

image 12 to regenerate an output image (column 5, lines 47-50; column 6, lines 28-33).

Thus the original image 12 is a "proof" before regeneration of final output image.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 17 discloses "colorimetric processing" which is new matter.

***Specification***

4. The disclosure is objected to because of the following informalities: In the Amendment to the Specification dated September 17, 2007 on page 3, last line, "close" should be "closed" to reflect the change from the original specification  
  
Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5, 6, 9-14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7068391 to Dewitte et al further in view of U.S. Patent No. 6304345 to Patton et al.

Regarding claim 1, Dewitte et al '391 disclose an image processing apparatus wherein when an output device is used to output a proof image reproducing a printed image in which a process color print image constituting of process colors and a spot color print image are superposed upon each other (column 9, lines 63-67; The output proof has process color CMYK plus spot colors green and orange. Thus the output is superposition of six colors including the spot colors and CMYK), proof image data for the output device, that is representative of the proof image, is created through processing of printing image data representative of the printed image (column 7, lines 49-57; column 8, lines 22-29; "input image 103" reads on printing image data), the image processing apparatus comprising:

an image data obtaining section that obtains the printing image data (column 8, lines 37-57; input 103 is the printing image data);  
an image data conversion section that converts the printing image data obtained in the

image data obtaining section into the proof image data through processing of the printing image data presupposing a reproduction system for the printed image in the output device (Figure 2, reference 213-217, 219; column 9, lines 41-67; column 10, lines 1-22; step 213 conversion of screened image data 211 (printing image data)); an image data output section that outputs to the output device the proof image data converted in the image data conversion section (Figure 1a reference 110, 112; column 7, lines 32-47; Figure 2, reference 108, 219; column 15, lines 26-30; ); presupposed when the image data conversion section processes printing image data (column 9, lines 41-44; printing image data is screened image 211);

However Dewitte et al does not disclose an additional image data creating section that creates additional image data for the output device, which is representative of an additional image describing a reproduction property of a spot color in the reproduction system presupposed when the image data conversion section processes printing image data;

an image data output section that outputs to the output device the proof image data converted in the image data conversion section and the additional image data created in the additional image data creating section, so that the output device outputs the proof image and the additional image.

Patton et al disclose an additional image data creating section that creates additional image data for the output device (Figure 1, reference 14 is additional image data; column 4, lines 40-67; column 5, lines 1-15;), which is representative of an additional image describing a reproduction property/system (column 5, lines 9-18; color,

density information for reproduction purpose) of/for a spot color in the reproduction system (column 5, lines 1-46; column 6, lines 34-65; The spot colors can be red, green, blue.);

an image data output section that outputs to the output device the proof image data converted in the image data conversion section and the additional image data created in the additional image data creating section, so that the output device outputs the proof image and the additional image (column 4, lines 40-55; the information data on original image 12 is used to regenerate an output image (column 5, lines 47-50; column 6, lines 28-33). Thus the original image 12 is a "proof" before regeneration of final output image.).

Having the system of **Dewitte et al '391** and then given the well-established teaching of **Patton et al '345**, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of **Dewitte et al '391** as taught by **Patton et al '345**, since **Patton et al '345** stated in col. 5, Lines 47-50; column 6, lines 15-33, such a modification would provide method for regenerating an original image based on the information data placed on the original image.

Regarding claim 5, Dewitte et al '391 discloses an image processing apparatus wherein when an output device is used to output a proof image reproducing a printed image in which a process color print image constituting of process colors and a spot color print image are superposed upon each other (column 9, lines 63-67; The output proof has process color CMYK plus spot colors green and orange. Thus the output is superposition of six colors including the spot colors and CMYK), proof image data for

the output device, that is representative of the proof image, is created through processing of printing image data representative of the printed image (column 7, lines 49-57; column 8, lines 22-29; "input image 103" reads on printing image data), the image processing apparatus comprising:

an image data obtaining section that obtains the printing image data having a first image data portion representative of the process color print image and a second image data portion representative of the spot color print image (column 8, lines 37-57; input 103 is the printing image data; Further in column 9, lines 63-67, it is disclosed that the input 103 has first image data portion C, Yellow (process color), and second image data portion (Warm red, brown));

an image data conversion section that converts the printing image data obtained in the image data obtaining section into the proof image data through processing of the printing image data presupposing a reproduction system for the printed image in the output device (Figure 2, reference 213-217, 219; column 9, lines 41-67; column 10, lines 1-22; step 213 conversion of screened image data 211 (printing image data)); an image data output section that outputs to the output device the proof image data converted in the image data conversion section (Figure 1a reference 110, 112; column 7, lines 32-47; Figure 2, reference 108, 219; column 15, lines 26-30); image data output section that outputs to the output device the proof image data converted in the image data conversion section (Figure 1a reference 110, 112; column 7, lines 32-47; Figure 2, reference 108, 219; column 15, lines 26-30);

presupposed when the image data conversion section processes the second image data portion (column 9, lines 41-67; The second image data (Warm Red, brown of input 103) is converted.).

However Dewitte et al '391 does not disclose:

an additional image data creating section that creates additional image data for the output device, which is representative of an additional image describing the reproduction system for a spot color in the output device; and

an image data output section that outputs to the output device the proof image data converted in the image data conversion section and the additional image data created in the additional image data creating section, so that the output device outputs the proof image and the additional image.

Patton et al '345 discloses

an additional image data creating section that creates additional image data for the output device (Figure 1, reference 14 is additional image data; column 4, lines 40-67; column 5, lines 1-15;), which is representative of an additional image describing the reproduction system (column 5, lines 9-18; color, density information for reproduction purpose) for a spot color in the output device (column 5, lines 1-46; column 6, lines 34-65; The spot colors can be red, green, blue.); and

an image data output section that outputs to the output device the proof image data converted in the image data conversion section and the additional image data created in

the additional image data creating section, so that the output device outputs the proof image and the additional image (column 4, lines 40-55; the information data on original image 12 is used to regenerate an output image (column 5, lines 47-50; column 6, lines 28-33). Thus the original image 12 is a "proof" before regeneration of final output image.).

Having the system of *Dewitte et al '391* and then given the well-established teaching of *Patton et al '345*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Dewitte et al '391* as taught by *Patton et al '345*, since *Patton et al '345* stated in col. 5, Lines 47-50; column 6, lines 15-33, such a modification would provide method for regenerating an original image based on the information data placed on the original image.

Regarding claim 6, Dewitte et al in view of Patton et al teaches all the limitations of claim 1. Further Patton et al discloses an image processing apparatus according to claim 1, wherein the additional image data creating section creates additional image data representative of an additional image describing a sort of ink used when the output device reproduces the spot color (column 7, lines 5-14, 53-58; column 5, lines 13-20).

Regarding claim 11, Dewitte et al in view of Patton et al teaches all the limitations of claim 1. Further Dewitte et al '391 discloses the image processing apparatus of claim 1, wherein the spot color is an ink which is specifically adjusted to represent the original color of the printing image data, and is used in addition to the standard process colors (column 9, lines 41-51, 63-67; The output proof image is CMYK (standard process

color) + Green/ Orange (spot colors). The output CMYK, Green, Orange is generated by converting input image therefore the green/orange output is adjusted to a specific value corresponding to the input.).

Regarding claim 12, Dewitte et al in view of Patton et al teaches all the limitations of claim 5. Further Dewitte et al '391 discloses the image processing apparatus of claim 5, wherein the spot color is an ink which is specifically adjusted to represent the original color of the printing image data, and is used in addition to the standard process colors (column 9, lines 41-51, 63-67; The output proof image is CMYK (standard process color) + Green/ Orange (spot colors). The output CMYK, Green, Orange is generated by converting input image therefore the green/orange output is adjusted to a specific value corresponding to the input.).

Regarding claim 13, Dewitte et al in view of Patton et al teaches all the limitations of claim 9. Further Dewitte et al '391 discloses the image processing apparatus of claim 9, wherein the spot color is an ink which is specifically adjusted to represent the original color of the printing image data, and is used in addition to the standard process colors (column 9, lines 41-51, 63-67; The output proof image is CMYK (standard process color) + Green/ Orange (spot colors). The output CMYK, Green, Orange is generated by converting input image therefore the green/orange output is adjusted to a specific value corresponding to the input.).

Regarding claim 14, Dewitte et al in view of Patton et al teaches all the limitations of claim 10. Further Dewitte et al '391 discloses the image processing apparatus of

claim 10, wherein the spot color is an ink which is specifically adjusted to represent the original color of the printing image data, and is used in addition to the standard process colors (column 9, lines 41-51, 63-67; The output proof image is CMYK (standard process color) + Green/ Orange (spot colors). The output CMYK, Green, Orange is generated by converting input image therefore the green/orange output is adjusted to a specific value corresponding to the input.).

Regarding claim 16, Dewitte et al in view of Patton et al teaches all the limitations of claim 1. Further Dewitte et al '391 discloses the image processing apparatus of claim 1, wherein the image data conversion comprises at least one of a process color conversion; a spot color screening, and a tone arithmetic processing (column 9, lines 41-67; CMYK process color conversion).

Regarding claim 17, Dewitte et al in view of Patton et al teaches all the limitations of claim 1. Further Dewitte et al '391 discloses the image processing apparatus of claim 1, wherein the image data conversion comprises colorimetric processing (column 12, lines 8-15; "colorimeter").

Regarding claim 9, see rejection of claim 1 as shown above.

Regarding claim 10, see rejection of claim 5 as shown above.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7068391 to Dewitte et al further in view of U.S. Patent No. 6304345 to Patton et al further in view of JP 04-284579 to Yamada.

Regarding claim 2, Dewitte et al in view of Patton et al teach all the limitations of claim 1. However Dewitte et al in view of Patton et al does not disclose an image processing apparatus according to claim 1, wherein the additional image data creating section creates additional image data representative of an additional image describing whether the spot color in the printed image is a color within a color reproduction area of the output device.

Yamada discloses wherein the additional image data creating section creates additional image data representative of an additional image describing whether the spot color in the printed image is a color within a color reproduction area of the output device (see Constitution).

Having the system of **Dewitte et al '391 in view of Patton et al '345** and then given the well-established teaching of **Yamada '579**, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of **Dewitte et al '391 in view of Patton et al '345** as taught by **Yamada '579**, since **Yamada '579** stated in **Purpose Section**, such a modification would provide accurate reproduction for different reproduction ranges.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7068391 to Dewitte et al in view of U.S. Patent No. 6304345 to Patton et al further in view of U.S. Patent Application Publication US 2003/0016942 A1 to Tojo et al.

Regarding claim 3, Dewitte et al in view of Patton et al teach all the limitations of claim 1. However Dewitte et al in view of Patton et al does not disclose an image processing apparatus according to claim 1, wherein the additional image data creating

section creates additional image data representative of an additional image describing with numerical values ranks where a degree of the reproduction property is divided into a plurality of ranks.

Tojo et al disclose wherein the additional image data creating section creates additional image data representative of an additional image describing with numerical values ranks where a degree of the reproduction property is divided into a plurality of ranks (page 4, paragraph 54; "Q"; page 5, paragraph 59; Figure 6, the quality is described using Low=0 and High=1 which are numerical ranks.).

Having the system of *Dewitte et al '391 in view of Patton et al '345* and then given the well-established teaching of *Tojo et al '942*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Dewitte et al '391 in view of Patton et al '345* as taught by *Tojo et al '942*, since *Tojo et al '942* stated in page 1, paragraph 3-5, such a modification would improve the image reproduction process using the quality parameter.

9. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7068391 to Dewitte et al in view of U.S. Patent No. 6304345 to Patton et al further in view of US 2004/0001208 A1 to Murakami.

Regarding claim 4, Dewitte et al in view of Patton et al teaches all the limitations of claim 1. However Dewitte et al in view of Patton et al does not disclose an image processing apparatus according to claim 1, wherein the additional image data creating section creates additional image data representative of an additional image associating

a color chip of the spot color constituting the spot color print image with a description of reproduction property.

Murakami discloses wherein the additional image data creating section creates additional image data representative of an additional image associating a color chip of the spot color constituting the spot color print image with a description of reproduction property (page 3, paragraph 39, 40, 41, 42; c201 represents printing condition (reproduction property)).

Having the system of *Dewitte et al '391 in view of Patton et al '345* and then given the well-established teaching of *Murakami '208*, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of *Dewitte et al '391 in view of Patton et al '345* as taught by *Murakami '208*, since *Murakami '208* stated in page 1, paragraph 10, such a modification would provide an accurate color printing system.

Regarding claim 7, Dewitte et al in view of Patton et al teaches all the limitations of claim 1. Further *Murakami '208* discloses an image processing apparatus according to claim 1, wherein the additional image data creating section creates additional image data representative of an additional image associating a color chip of the spot color with a description of reproduction system for the spot color (page 3, paragraph 40, 41, 42; c201 represents printing condition (reproduction property)).

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7068391 to Dewitte et al in view of U.S. Patent No. 6304345 to Patton et al further in view of US 2003/0197878 to Metois et al.

Regarding claim 8, Dewitte et al in view of Patton et al teaches all the limitations of claim 1. Further Dewitte et al disclose an image processing apparatus according to claim 1, wherein the output device reproduces the spot color by superposing inks of process colors using a specified halftone dot pattern (column 5, lines 1-8), however Dewitte et al in view of Patton et al does not disclose the additional image data creating section creates additional image data representative of an additional image describing a sort of the halftone dot pattern.

Metois et al disclose the additional image data creating section creates additional image data representative of an additional image describing a sort of the halftone dot pattern (page 6, paragraph 66, 68; the digital code is additional image which is placed on image. The digital code has information about halftone parameters.).

Having the system of **Dewitte et al '391 in view of Patton et al '345** and then given the well-established teaching of **Metois et al '878**, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of **Dewitte et al '391 in view of Patton et al '345** as taught by **Metois et al '878**, since **Metois et al '878** stated in page 6, paragraph 66, such a modification would provide security for printed image data.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7068391 to Dewitte et al in view of U.S. Patent No. 6304345 to Patton et al further in view of U.S. Patent Application Publication US 2003/0016942 A1 to Tojo et al further in view of U.S. Patent Application Publication No. US 2001/0052998 A1 to Kiyosu et al.

Regarding claim 15, Dewitte et al '391 in view of Patton et al '345 further in view of Tojo et al teaches all the limitations of claim 3. However Dewitte et al '391 in view of Patton et al '345 further in view of Tojo et al does not disclose wherein the plurality of ranks represents degrees of the reproduction property of the spot color.

Kiyosu et al '998 discloses wherein the plurality of ranks represents degrees of the reproduction property of the spot color (Figure 5, shows the plurality of rank values in association of plurality of target colors a, b, c (spot colors). The ranks represents accuracy information ("degree of the reproduction property") of the color conversion (page 8, paragraph 72, 73, 76).

Having the system of **Dewitte et al '391 in view of Patton et al '345 further in view of Tojo et al '942** and then given the well-established teaching of **Kiyosu et al '998**, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of **Dewitte et al '391 in view of Patton et al '345 further in view of Tojo et al '942** as taught by **Kiyosu et al '998**, since **Kiyosu et al '998** stated in page 8, paragraph 72, such a modification would provide color conversion as function of ranking for color accuracy.

### ***Other Prior Art Cited***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application Publication No. US2005/0179727 A1 to Bestmann discloses proofing system.

U.S. Patent Application Publication No. US2005/0062757 A1 to Nakamori discloses display system.

U.S. Patent Application Publication No. US2006/0139668 A1 to Nishikawa discloses image processor.

U.S. Patent No. 5309246 to Barry et al discloses halftoning system.

U.S. Patent No. 6943915 to Teraue discloses color conversion.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

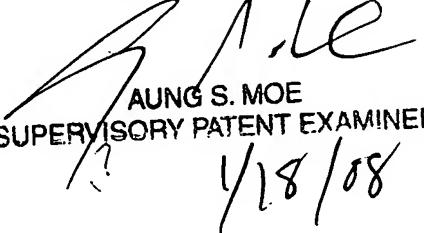
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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**Patent Examiner**  
Beniyam Menberu  
BM  
01/10/2008

  
AUNG S. MOE  
SUPERVISORY PATENT EXAMINER  
1/18/08